

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

EARL BROWN, SR., *et al.*,

No. C 11-02162 LB

Plaintiffs,

**ORDER TO SHOW CAUSE**

v.

[ECF No. 11]

CITY AND COUNTY OF SAN  
FRANCISCO, *et al.*,

Defendants.

In their Motion to Dismiss, Defendants argue that Deputy Barbieri has not been served properly. *See* Motion at 19. He has not appeared apparently because he has a serious medical condition and cannot participate in his defense. Defendants respond that service was proper because they served the San Francisco Sheriff's Department. *See* Opposition at 17 n4.

The court does not have a sufficient record about whether service was effective. Under the circumstances, the court directs the parties to meet and confer within three business days to establish a briefing schedule to address the issue. They should then file it with the court. The court has no objection to trying to address the issue on an expedited basis. The important thing is a sufficient fact record, and perhaps the parties can settle on stipulated facts.

**IT IS SO ORDERED.**

Dated: April 7, 2014



LAUREL BEELER  
United States Magistrate Judge